THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.23234 OF 1996

Dated 16th March 2006

Between:

Tetali Rama Reddy & others

…Petitioners

And

The Mandal Revenue Officer, Mandapeta,

East Godavari District & others.

…Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.23234 OF 1996

O R D E R:

The petitioners claim to be the owners of land in Sy.Nos.343/3, 343/4, 346/2 and 346/4 of Vemulapalli village of Mandapeta Mandal, East Godavari District. They state that they have purchased the land from the original owners and are eking livelihood, by cultivating the same. Their grievance is that the 1st respondent, the Mandal Revenue Officer, is declaring that he would evict them, and that such a step by the 1st respondent, is contrary to law. The petitioners state that their rights in the land cannot be defeated, without taking recourse to law.

The 1st respondent filed a counter affidavit. It is stated that the petitioners purchased the land from the assignees, and on noticing the same, they were issued notices dated 11.10.1996, under the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (Act 9 of 1977) “for short “the Act”). It is also stated that the petitioners submitted explanation on 25.10.1996, and not being satisfied with the same, the 1st respondent passed order dated 26.10.1996, directing resumption of land. Possession is said to have resumed on 28.10.1996.

The original assignees got themselves impleaded as respondents 3 to 6. It is stated they have not been restored the possession of land, in pursuance of the proceedings initiated by the 1st respondent.

Heard the learned counsel for the petitioners, learned Government Pleader for Assignment and learned counsel for respondents 3 to 6.

The petitioners did not refer to any proceedings in their affidavit. It was represented, as though the 1st respondent is trying to evict them, without initiating any proceedings in law. In the counter affidavit filed on behalf of respondents 1 and 2, it has been categorically stated that the proceedings were initiated against the petitioners under the Act, and the petitioners have also participated in them. The writ petition came to be filed, few days after the petitioners submitted explanation. That being the case, the petitioners ought to have made reference, in the writ petition, to the proceedings initiated against them. Even assuming that there exists any justification for the petitioners, in not referring to the proceedings under the Act, at a time when the writ petition was filed, nothing prevented them from amending their pleadings. It only shows that the petitioners did not present actual facts before this court.

It has emerged that the 1st respondent passed an order under Section 4 of the Act, way back in October 1996. The petitioners ought to have preferred an appeal before the competent authority. This Court is not inclined to grant any relief to the petitioners in this writ petition.

Hence, the writ petition is dismissed. It is however, made clear that if the petitioners are so advised, they may prefer an appeal before the appellate authority and file an application for condonation of delay, duly citing the pendency of the writ petition before this court. If such an application is filed, the appellate authority shall consider the same, on its own merits. There shall be no order as to costs.

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16th March 2006

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